SINGLE BENCH (4)

C.S-101

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO.6386 OF 2006

PETITIONER: Smt. Man Bai, wife of Shri Madanlal Kothari, aged about 80 years, permanent resident of Mumbai, through her brother and power of attorney holder Shri Inderchand Parekh, son of Shri Dharamchand Parekh, aged about 65 years, resident of Panchsheel Nagar, Raipur.

P.R. No. 6421/06
Presented by Shri B.P. Sharma
dated 16-11-06

16/11/06

VS

RESPONDENTS:

1. State of Chhattisgarh, through the Collector, Raipur.
2. The Executive Engineer, Department of Water Resources / Irrigation, Raipur Division, Raipur.

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WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.6386/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	11-1-2007 Shri Ajit Singh, Advocate for the petitioner. Shri Utkarsh Verma, Dy. Govt. Advocate for the State. Heard. By this petition the petitioner is impugning the order dated 4-7-2006 passed by learned 3rd Additional District Judge, Raipur whereby the application of applicant Smt. Man Devi Kothari in the matter of Land Acquisition Case No. 115/2002 for disbursing the amount deposited in her name in the Court to her power of attorney holder either in cash or through account payee cheque has been rejected. Learned Counsel for the petitioner submits that in the land acquisition proceedings, in fact, her attorney Inderchand Parakh was representing the applicant throughout which is reflected from the order dated 12-5-2005, however the application has been rejected by the Court below with an observation that the applicant is not being produced despite earlier direction to this effect and no medical certificate that applicant Man Devi Kothari is sick has been filed. It is submitted that to protect interest of applicant Man Devi Kothari, account payee cheque in her name could be handed over to her attorney. Shri Utkarsh Verma, learned Dy. Govt. Advocate representing the State does not dispute that Shri Inderchand Parakh is validly appointed attorney of applicant Man Devi Kothari and interest of applicant Man Devi Kothari could be protected by paying the amount	

VAKALATNAMA

(27) (31)

(30)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.6386/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

deposited in her name in the Court through account payee cheque and by delivering the same through registered post.

In view of the submission made by the Counsel for the parties, the petition is disposed of with a direction to the Court below to disburse the amount deposited in the name of applicant Man Devi Kothari in Land Acquisition Case No. 115/2002 by account payee cheque and send the same through registered post in her address.

Sd/-
Dhirednra Mishra
Judge

Pathak

Adv

P.T.O.